

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
WESTERN DIVISION**

FRESH PRODUCTS, INC.,

Plaintiff,

v.

IMPACT PRODUCTS, LLC,

Defendant.

Case No. 3:19-cv-02109-JZ

Hon. Jack Zouhary

Jury Trial Demanded

**JOINT NOTICE OF ADDITIONAL AGREED-UPON
CLAIM CONSTRUCTIONS**

Consistent with the Court’s Claim Construction Hearing on November 10, 2020, the parties jointly submit this Notice of Amended Agreed Claim Constructions. On September 8, 2020, the parties submitted their Joint Claim Construction and Prehearing Statement (Dkt. 66), Agreed Constructions (Dkt. 66-1) and Disputed Constructions (Dkt. 66-2). On October 28, 2020, the parties submitted their Joint Notice of Additional Agreed-Upon Claim Constructions. The parties have now reached additional agreements regarding claim construction.

First, regarding the construction of “tessellation”, the parties have agreed that the construction shall be “a covering of a geometric plane without gaps or overlaps by congruent plane figures of one type or a few types.”

Second, regarding the construction of “tessellation of openings”, the parties have agreed that the construction shall be “a pattern of openings comprising a covering of a geometric plane without gaps or overlaps by congruent plane figures of one type or a few types.”

Third, regarding “post”, the parties have agreed that the construction shall be “elongated element that serves as support, having a height in excess of its width.”

Accordingly, attached as **Exhibit A** is a second amended listing of the constructions of those terms on which the parties agree.

Dated: November 17, 2020

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was filed electronically this 17th day of November, 2020. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt. All other parties will be served by regular U.S. mail. Parties may access this filing through the Court's system.

/s/ Steven G. Hill

Steven G. Hill

Counsel for Defendant Impact Products, LLC